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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/067,854 | 02/08/2002 | Say-Ling Wen | 3313-0474P-SP | 9676 |
| 2292 | 7590 | 09/09/2005 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | | PIERRE, MYRIAM |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2654 | |

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/067,854 | WEN ET AL. | |
| | Examiner | Art Unit | |
| | Myriam Pierre | 2654 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02/08/2002.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Parry et al. (6,077,085).

As to claim 1, Parry teaches

an inherent sentence-making setting control module (Fig. 1 elements 160, 170 and 180), which control option setting at the user end to perform different practices (database tagging) (database tagging for grammar or foreign language training, col. 7 lines 20-30).

an inherent sentence pattern database (Fig. 1 element 130), which stores at least one set of sentence pattern sample data (data in template) that are to be extracted using an inherent sentence pattern code (Each template, within a program module, can call on any subject matter database (i.e., language database, medical terminology database, etc.) to draw content for presentation to the user, the programs that link and manipulate them comprise the TAL software. col. 6 lines 36-46).

an inherent sentence-making input decision module, which takes an input entered at the user end (Fig. 1 elements 160, 170, and 180) and compares it with the sentence pattern sample data extracted from the sentence pattern database (element 130) (col. 7 lines 50-53 and Fig. 3 step 320);

a central message control module (CPU, Fig. 1 element 140), which monitors and controls operations performed at the user end (elements 160, 170 and 180), generates different control messages corresponding to the control operations (element 130), and transmits the control messages through the linkage with each of said modules (elements 110, 115, and 120; the programs that link and manipulate them comprise the TAL software. col. 6 lines 36-46);

wherein after the comparison is finished the central message control module determines whether the same problem is given (col. 18 lines 27-30; student stays in workgroup if question is answered incorrectly) or a new problem should be made according to the comparison result (col. 18 lines 44-47; student answers slowly but correctly, although staying in the work group, advances to a new pool of questions).

As to claim 2, Parry teaches
sentence-making control module that determines whether the same problem is given, or a new problem should be made according to the inherent comparison results (col. 18 lines 27-30 and lines 44-47).

As to claim 3, Parry teaches

the random number generator generates random number using a random number series stored in an inherent random number table (Fig. 10 “work group items” are inherent random number series which are stored in a random number table on a software coding level).

As to claim 4, Parry teaches

implemented on a computer executable hardware platform (personal computer, Fig. 1).

As to claim 6, Parry teaches

using a sentence making setting control module (create module) to complete settings for how to perform practices (templates for grammar, etc.) (create module, templates for grammar, etc. col. 22 lines 45-61 and col. 6 lines 36-47 and col. 13 lines 1-4 and col. 20 lines 19, 54, 60-67; the method is demonstrated in Fig. 4, especially in step 470; Parry has the system module which controls interactions between the user interface and the background control functions of the system);

using an inherent sentence-making problem module (create module) to generate a practice sentence output (. col. 22 lines 45-61 and col. 6 lines 36-47; the method is demonstrated in Fig. 4, especially in step 490);

using an inherent sentence-making input decision module to perform a sentence making process (Fig. 4, especially in step 480); a user finishing the sentence-making training process (Fig. 5, especially in step 505-550).

As to claim 7, Parry teaches the contents of the settings for how to perform practices include the length (col. 12 lines 42-51), the style of sentences in problems (col. 7 lines 20-26), the length of a limited time (Fig. 7 step 714) for answering a problem, and the speed of reading sentence (Fig. 7 step 714).

As to claim 8, Parry teaches the style of sentences in problems includes at least an original tense (imperative) and a variation (conditional) tense (Fig. 2 and col. 9 lines 20-28 and col. 12 lines 9-14).

As to claim 9, Parry teaches using an inherent random number generator to generate a random number according to the setting for how to perform practices (Fig. 10 is a table which has random generation of questions in the second column, the system would inherently

have a random number generator in order to generate the random variations of letters in the second column in Fig. 10 column 2).

extracting a corresponding sentence pattern sample data for a short period of time (Fig. 7 step 724, col. 19 lines 15·45 and col. 16 lines 24·30).

performing inherent random partition and recombination on the sentence pattern sample data to generate the practice sentence (col. 11 lines 65·67; and col. 12 lines 1·4; and col. 15 lines 7·8; the conjugating of verbs would require partition and recombination, moreover, the questions are performed randomly, so it's inherently performing random partition and recombination);

As to claim 10, Parry teaches

an inherent random number generator generates the random number using an inherent random number series stored in an inherent random number table (Fig. 10 has a random generation of questions which are alphabetically labeled, which inherently would generate random numbers using number series in the software code using a random number table or matrix).

As to claim 11, Parry teaches

the sentence pattern sample data includes at least field for sentence pattern codes (Fig. 10; codes are letters), text contents before and after a sentence pattern (col. 11 lines 57·63; before is the question and after is the answer), translation text

contents of a sentence pattern in the user's native language (col. 13 lines 23-27), voice contents before and after a sentence pattern (col. 12 lines 27-34).

As to claim 12, Parry teaches both the text contents before and after the sentence pattern and the voice contents before and after the sentence pattern include question sentence and answer sentence (col. 13 lines 5-9).

As to claim 13, Parry teaches the problem sentence pattern to be presented for short time period (Figs. 7 and 9) is selected for the group consisting of combinations of the text content before and after sentence pattern (col. 11 lines 56-67), translation text contents of a sentence pattern in the user's native language and voice contents before and after a sentence pattern (col. 12 lines 29-31).

As to claim 14, Parry teaches the random partition and recombination are performed at each time a new problem is made (Fig. 10; random process is done which includes the fill in the black type questions and conjugations which would inherently require partitioning and recombination).

As to claim 15, Parry teaches
the output presentation is done by playing voices and text at the same time
(col. 13 lines 12-18).

As to claim 16, Parry teaches
using a sentence-making decision module to obtain the sentence pattern
sample data to comparison (col. 13 lines 5-9; col. 21 lines 58-63 and col. 12 lines 51-
59).

receiving an input entered by the user through a UI, User Interface (Fig. 1).
using the sentence-making input decision module to perform a comparison
between the user entered sentence and the sentence pattern sample data (col. 12
lines 51-59); and

automatically adjusting a problem answering limited time (Fig. 7 step 714).

As to claim 17, Parry teaches
the UI performs I/O (Input/Output) actions through an I/O peripheral device
(Fig. 1)

As to claim 18, Parry teaches
the I/O peripheral device is selected from the group consisting of a keyboard,
a mouse, a digital touch-control panel, and a voice playing system (Fig. 1).

As to claim 21, Parry teaches the comparison result is used by the system to determine whether the same problem is given again or a new problem is to be made (Fig. 7 and 15, step 730, 750, and 760)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parry et al. (6,077,085) in view of Yeh (6,675,010).

As to claim 5, Parry teaches implementing a computer executable hardware platform 0.

However, Parry does not teach the platform is selected from PC, an NB, a PDA.

Yeh teaches implementing a computer executable hardware platform selected from the group consisting of a PC, an NB, and a PDA (Fig. 1 elements 7 and 9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement's Parry's technology assisted learning with Yeh's mobile learning system because this would provide effective access to the learning system, wherein the user can readily test themselves at any given time via the popular mobile device, the user is able to receive related foreign words through RF linkage and will be able to learn foreign vocabulary more effectively and can receive related foreign vocabulary to study at all times by means of a mobile communications device (Yeh col. 1 lines 21-25 and 34-35)

5. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parry et al. (6,077,085) in view of Ko et al. (2002/0169612).

As to claim 19, Parry teaches

the adjustment of the problem answering limited time is determined by an initial value (Fig. 7 element 724, "yes" response would necessarily imply an initial starting time or initial value of start time)

However, Parry does not explicitly teach user (manually) adjusting the time.

Ko et al. teach a change amount in each adjustment set by the user (Fig. 2 step 6 and page 1 paragraph 25 and page 1 paragraph 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement Parry's criteria for time response with Ko et al.'s controlled training speed because this would provide the user flexibility, thus,

depending on each learner's attainment for the training, the learner himself can manually determine the time interval (page 1 paragraph 25 and page 1 paragraph 5)

As to claim 20, Parry teaches adjustment of problem answering (col. 17 lines 34-37 the adjustment of the problem answering limited time is gradually decreased (col. 17 lines 37-39; and col. 18 lines 43-54, the time is necessarily decreased depending on the student's overall response to learning).

Conclusion

6. The following art made of record and not relied upon is considered pertinent to applicant's disclosure Takamori (5,888,071); Takamori (5,888,071); Stansvik (6,905,340); Sims-Barnes (2003/0027114); Lee et al. (6,482,011); and Krause et al. Takamori teaches a device for learning language skills based on the level of the learner, device teaches correct answers for the incorrect answers.

Stansvik teaches testing students for mastery of educational topics, such as language learning.

Sims-Barnes teaches literacy training.

Lee et al. teach a learning data base in which data is updated, arranging vocabulary data in order of frequency.

Krause et al. teach user interface for reader's ability to rapidly understand text, language based.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Myriam Pierre whose telephone number is 571-272-7611. The examiner can normally be reached on Monday - Friday from 5:30 a.m. - 2:00p.m.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information as to the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

08/26/2005

MP



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SUPERVISORY PATENT EXAMINER